

# FORT SMITH POLICE DEPARTMENT

## PRESS RELEASE

**Date:** January 29, 2013

**From:** Public Affairs Office, Sergeant Daniel Grubbs

**Telephone:** 479-709-5141

**Re:** Important Changes to City Code Concerning Animals – Effective, January 26, 2013

Change in pen sizes depending upon the weight of the animal.

Running at large will be changed to state “freedom of any dog not confined on the premises of the owner within a secure enclosure, house or other building, or not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting it to the premises, or not confined by a leash or confined within an automobile when away from the premises of the owner”.

A dangerous animal is now referred to as an “Aggressive Animal”. An animal may be deemed an aggressive animal if it commits any of the acts which would previously characterize it as a dangerous animal.

The owner of any impounded domestic animal which has not been vaccinated, upon satisfactory proof of ownership, may redeem his/her animal by paying a deposit and be allowed three (3) business days to get such animal vaccinated by a licensed veterinarian. If such owner fails to procure a vaccination certificate within such three (3) business days, the deposit shall be forfeited and the animal shall be impounded again. Upon presentation within such period of time of a certificate of vaccination the deposit shall be refunded.

Licensing of venomous reptiles- In order to keep any venomous reptile in the city limits, the owner must have a proper license, which will be free of charge. It must be kept up to date and contain: 1. A list of what species are owned, 2. How many of each species are owned, 3. Owner of harborer’s name and address, and 4. The address must be updated within ten (10) business days of any change of residency.

Vaccinations- Any person owning a dog or cat four (4) months of age or older must ensure the dog or cat has been vaccinated with a one (1) year or three (3) year vaccination against rabies by a licensed veterinarian.

Visiting dogs and cats- Every person visiting the City of Fort Smith for a period of thirty (30) days or less shall be deemed in compliance provided a current and valid certificate of anti-rabic vaccination is furnished; otherwise, the animal must receive an inoculation by a license veterinarian. Every animal within the city limits for more than thirty (30) days is considered relocated to the City of Fort Smith and its owners or harborers must comply with all animal care and control ordinances of the City of Fort Smith.

Coloring animals – It is unlawful for any person or pet shop or kennel to dye, color, or in any way artificially treat animals unless such animals are over six (6) weeks of age.

Sale to minors – it is unlawful to sell any animal to any person who is less than eighteen (18) years of age without proof of age with government issued picture identification.

Barking or howling dogs – It is unlawful to keep under his/her control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any two (2) or more non-related persons or businesses in separate dwellings or locations who may reside within reasonable proximity of a place where such dog is kept. When the keeper of such dog is convicted of violating these provisions, such dog shall be seized and impounded.

Kennels – any person owning, keeping, or harboring within the city limits seven (7) or more dogs five (5) months of age or older (regardless of the spaying or neutering of the dogs) shall be considered to be operating a kennel. Kennels may be operated only within the zones permitted by the zoning code of the City of Fort Smith. However, if the person owning, keeping, or harboring more than seven (7) dogs regardless of age, spayed or neutered, shall not be considered to be operating a kennel if it can be proven that the additional dogs are being temporarily maintained while a permanent home for the dogs is being sought (commonly referred to as “fostering”).

Identification – It shall be unlawful for any dog owner or harbinger to possess a dog or cat without some form of identification. Identification by collar, tag, or microchip must provide: 1. The owner's name, 2. The owner's address, 3. The owner's phone number, and 4. The dog or cat's name. If the dog owner is cited for allowing a dog to run at large and the dog has no form of identification, a citation will be issued for lack of identification. If the owner receives a citation for running at large and lack of identification simultaneously, said dog shall be mandated to be micro-chipped. The charge of no identification may be dropped if the owner microchips the dog within fifteen (15) days. If a cat is received at the shelter and has no form of identification, a citation will be issued and the owner will be mandated to have the cat micro-chipped and spayed or neutered. The charge may be dropped if the owner provides proof of micro-chipping and spay/neutering within fifteen (15) days.

Animals riding in cars and trucks – the animal must be secured in a crate suitable to safely contain the animal to minimize harm in the event of an accident and prevent its escape when stopped or moving. The crate must be securely fastened within the vehicle to prevent its movement.

Animal Waste – It is unlawful for any person who owns, keeps, maintains, harbors, or walks an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person unless such animal is accompanied by a person who has in his/her possession a device for the removal of excrement and a depository for the transmission or excrement or a receptacle located upon the property owned or possessed by such person. The owner must immediately remove excrement left by such animal on property not owned by such person. No person shall allow feces to accumulate in any yard, pen, or premises where any animal is confined or kept to the extent that the stench becomes offensive to those residing in the vicinity or results in a health hazard or nuisance.

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